

EPA News Highlights 3.30.18

Casper Star-Tribune: EPA head Scott Pruitt visits major Wyoming coal mine, preaches end of 'war on fossil fuels'

Two days after a crowd of 300 gathered in Gillette to debate the Environmental Protection Agency's authority to regulate emissions at the cost of the coal industry, the head of that agency stood 20 miles away in one of the largest surface coal mines in the country: Black Thunder. Scott Pruitt, the controversial leader of the EPA, came to Wyoming at the invitation of Sens. John Barrasso and Mike Enzi to see the coal industry first hand. The state provides about 40 percent of the thermal coal burned in the U.S. for power and would be uniquely affected by a carbon dioxide rule like the Clean Power Plan. The rule's goal of cutting carbon dioxide emissions in the electricity sector by about 30 percent compared to 2005 levels would have pressured utilities that buy Wyoming coal, wiping away customers that the coal industry around Wright and Gillette depend on.

Gillette News Record: EPA chief Pruitt visits Campbell County, touts importance of coal exports

The future of Powder River Basin coal lies overseas, something EPA Administrator Scott Pruitt stressed during a Thursday morning visit to the heart of Wyoming coal country. As the guest of U.S. Sens. Mike Enzi and John Barrasso, both R-Wyoming, Pruitt toured Arch Coal's Black Thunder mine south of Wright, the second-largest producing thermal coal mine in the world. Pruitt said he was impressed by the "size and scope" of the operation. Black Thunder produced 70.5 million tons of coal in 2017. "Look at this and how impressive it is," he said. "To see what is done here with the amount of production, the automation, the technology and the commitment of the employees. ... It was just impressive to see. And the most impressive were the people."

Breitbart: Scott Pruitt Is #Winning, Bans Junk Science from Environmental Protection Agency

Junk science is no longer welcome at the Environmental Protection Agency. Administrator Scott Pruitt has declared war on what he calls "secret science" – the process whereby EPA regulators have been able to craft rules using non-publicly-available science data...This decision will correct a longstanding injustice at the EPA, perpetrated against the U.S. taxpayer. For years the EPA has been able to behave as a law unto itself, cavalierly passing regulations which restrict freedoms, hamper business and hold back the U.S. economy for reasons which have much more to do with left-leaning environmentalist politics than with objective science.

New York Times: E.P.A. Prepares to Roll Back Rules Requiring Cars to Be Cleaner and More Efficient

The Trump administration is expected to launch an effort in coming days to weaken greenhouse gas emissions and fuel economy standards for automobiles, handing a victory to car manufacturers and giving them ammunition to potentially roll back industry standards worldwide. The move — which undercuts one of President Barack Obama's signature efforts to fight climate change — would also propel the Trump administration toward a courtroom clash with California, which has vowed to stick with the stricter rules even if Washington rolls back federal standards. That fight could end up creating one set of rules for cars sold in California and the 12 states that follow its lead, and weaker rules for the rest of the states, in effect splitting the nation into two markets.

Bloomberg: EPA Chief's \$50-a-Night Rental Raises White House Angst

Environmental Protection Agency Administrator Scott Pruitt's lease at a Washington apartment owned by a lobbyist friend allowed him to pay \$50 a night for a single bedroom -- but only on the nights when he actually slept there. White House officials are growing dismayed about the questions surrounding Pruitt's living arrangement, including his initial inability to produce any documentation about his lease

or his actual payments, according to three officials. The landlord provided EPA officials with a copy of the lease and proof of the payments Pruitt made. The questions follow criticism of Pruitt for traveling first class on airline flights.

National News Highlights 3.30.18

The Wall Street Journal: Trump Dilemma: Give Businesses More Low-Skilled Work Visas or Not
Demand for low-skilled worker visas for the summer season starting Sunday is again far outstripping supply, with the Trump administration forced to choose between helping businesses seeking more visas or trying to save those jobs for American workers. Some lawmakers tried and failed this month to secure an increase in the number of H-2B visas available for this summer as part of a large spending bill. One Senate proposal would have permanently raised the annual cap from 66,000 to 90,000, with no limits for certain jobs in areas affected by disasters. A House version would have increased the annual cap to 132,000. The White House warned some lawmakers not to kick the decision to the Department of Homeland Security as they did in 2017, congressional aides said. "We did not want the discretion," an administration official said.

Politico: Trump's VA pick blindsides staff, deepens agency disarray

The timing of President Donald Trump's announcement to name Rear Admiral Ronny Jackson to lead Veterans Affairs was a snap decision that surprised his own chief of staff and knocked the government's second-largest agency, already bedeviled by scandal, deeper into disarray. White House chief of staff John Kelly had spoken with David Shulkin by phone Wednesday morning, reassuring the now-former VA secretary that he wouldn't be fired by tweet that afternoon. Hours later, Kelly had to phone Shulkin again telling him plans had changed. Trump declared Jackson's nomination on Twitter at 5:31 p.m. The tweet was big news — not just to the public, but to some senior aides, according to one White House official.

TRUMP TWEETS

The Casper Star-Tribune

http://trib.com/business/energy/epa-head-scott-pruitt-visits-major-wyoming-coal-mine-preaches/article_81c4e5f5-3cd9-569a-89fd-71cd4f9d91b1.html

EPA head Scott Pruitt visits major Wyoming coal mine, preaches end of 'war on fossil fuels'

By Heather Richards, 3/29/18

Two days after a crowd of 300 gathered in Gillette to debate the Environmental Protection Agency's authority to regulate emissions at the cost of the coal industry, the head of that agency stood 20 miles away in one of the largest surface coal mines in the country: Black Thunder.

Scott Pruitt, the controversial leader of the EPA, came to Wyoming at the invitation of Sens. John Barrasso and Mike Enzi to see the coal industry first hand. The state provides about 40 percent of the thermal coal burned in the U.S. for power and would be uniquely affected by a carbon dioxide rule like the Clean Power Plan.

The rule's goal of cutting carbon dioxide emissions in the electricity sector by about 30 percent compared to 2005 levels would have pressured utilities that buy Wyoming coal, wiping away customers that the coal industry around Wright and Gillette depend on.

Those in favor of the rule are largely concerned about emissions' contribution to climate change. Those opposed see it as an attack on the coal industry.

Pruitt echoed that sentiment in an interview after touring Black Thunder. He said it was time for the agency to reverse what he described as a political attack on the fossil fuel industry. The review of the Clean Power Plan, a signature regulation from the Obama administration, is part of that, he said

“Our job is not to coerce markets,” Pruitt said. “Our job is not to come in and say this type of fuel is good or this fuel is not good.”

The EPA’s regulations and guidelines should follow behind industry choices, not dictate them, he said.

President Donald Trump, who appointed Pruitt, made repealing the emissions-cutting plan a central tenet of his campaign, promising a return of coal jobs.

Pruitt said Thursday the final decision on the Clean Power Plan is not certain. The agency would review the new round of comments on repeal and move forward.

“What we are in the process of doing is providing regulatory certainty,” he said. “Then we need to look forward and say what authority do we have?”

However, Pruitt also said the Clean Power Plan appeared to be outside the bounds of the agency’s authority under the Clean Air Act.

That is a position shared by others present at the mine Thursday including the senators, Gillette mayor Louise Carter King, Campbell County Commissioner Mark Christensen and the mayor of nearby Wright, Ralph Kingan.

“We cannot allow this incredible resource to be stranded in the ground,” Barrasso said. “There is just so much energy here.”

Enzi, once the mayor of Gillette, thanked Pruitt for coming in person. It’s one thing to tell people about the size and scope of a mine like Black Thunder, owned by Arch Coal. But a visit to coal country, he said, “is worth a thousand pictures.”

The Gillette News Record

http://www.gillettenewsrecord.com/news/article_21c9accd-9375-55b1-8716-d1e050b33078.html

EPA chief Pruitt visits Campbell County, touts importance of coal exports

By Greg Johnson, 3/29/18

The future of Powder River Basin coal lies overseas, something EPA Administrator Scott Pruitt stressed during a Thursday morning visit to the heart of Wyoming coal country.

As the guest of U.S. Sens. Mike Enzi and John Barrasso, both R-Wyoming, Pruitt toured Arch Coal’s Black Thunder mine south of Wright, the second-largest producing thermal coal mine in the world.

Pruitt said he was impressed by the “size and scope” of the operation. Black Thunder produced 70.5 million tons of coal in 2017.

“Look at this and how impressive it is,” he said. “To see what is done here with the amount of production, the automation, the technology and the commitment of the employees. ... It was just impressive to see. And the most impressive were the people.”

Since being named to head the EPA shortly after President Donald Trump took office, Pruitt said his agency has been working to pull back after acting beyond its mission during the Barack Obama administration.

“We were overstepping. Now we’re correcting it,” he said. “We have a job to do and I think what’s been done the last several years was not the job of the agency. They were picking winners and losers, using regulatory power to influence and penalize certain forms of energy to help others.

“That’s not the job of the EPA.”

He said regulations like the Clean Power Plan are more punitive than helpful.

“Nowhere in the statute does it say ‘penalize coal’ or ‘penalize fossil fuels,’” he said about the EPA’s mandate.

Export potential

Pruitt also said coal should play a significant role in a balanced energy portfolio. Also, because of its low sulfur content, Powder River Basin coal can be a key to drastically reducing power plant emissions worldwide.

“If we really care about our air quality, we’ll export Powder River Basin coal,” he said. “The reason you want to export Powder River Basin coal is because countries internationally are using coal from Indonesia and other places, and it’s not as good as it is here.

“Guess what that impacts? Our air quality. We have to figure out a way to get this coal exported to (those) countries. The demand is there. We’re working on that, as others are.”

That export bottleneck, where Wyoming coal can’t be moved to or out of West Coast ports, is a priority for the EPA as well as the state, Pruitt said.

“We’ve got to get it worked out and we’re looking at all options,” he said. “We’re on it. If you care about air quality, and I think we do as a country, then you want to export Powder River Basin coal.”

Enzi expanded on that thought, saying that just burning a better quality coal will have a trickle down impact for West Coast states that are actively anti-coal.

“We could really clean up California, Oregon and Washington if we could get our coal to China and Japan,” he said. “They’re having to burn really bad stuff over there and the wind blows this way. It doesn’t blow from out here to California, it blows from China to California.

“So, they really ought to be concerned about the pollution in China.”

Seeing is believing

Enzi also thanked Pruitt for visiting the Black Thunder mine.

“We have been inviting secretaries of everything to Wyoming for a long time,” he said. “This is a major coup to actually get him to come and see us.”

He said visiting Gillette and the surrounding area does more to bust myths about coal mining than any amount of lobbying.

“I’ve said for a long time, a picture’s worth 1,000 words, but a visit is worth 1,000 pictures,” Enzi said. “Just with the size of the coal wall itself, it’s hard to see a picture of that and get a feel for what this is all about.”

Barrasso agreed, saying even more impressive than the scale of mining that happens here is the people who do it.

“You talk about dedicated, committed, conscientious people proud of the job they’re doing to power America,” he said. “There’s no way words can describe what (Pruitt) saw here.”

Before capping off his whirlwind visit to southern Campbell County, Pruitt said he believes the market should determine success or failure for the oil, gas and coal industries, not government policy.

“We’re out of the business of picking winners and losers,” he said.

Breitbart

<http://www.breitbart.com/big-government/2018/03/29/delingpole-winning-scott-pruitt-bans-junk-science-from-environmental-protection-agency/>

Scott Pruitt Is #Winning, Bans Junk Science from Environmental Protection Agency

By James Delingpole, 3/29/18

Junk science is no longer welcome at the Environmental Protection Agency. Administrator Scott Pruitt has declared war on what he calls “secret science” – the process whereby EPA regulators have been able to craft rules using non-publicly-available science data.

Pruitt told Daily Caller:

“We need to make sure their data and methodology are published as part of the record. Otherwise, it’s not transparent. It’s not objectively measured, and that’s important.”

This decision will correct a longstanding injustice at the EPA, perpetrated against the U.S. taxpayer. For years the EPA has been able to behave as a law unto itself, cavalierly passing regulations which restrict

freedoms, hamper business and hold back the U.S. economy for reasons which have much more to do with left-leaning environmentalist politics than with objective science.

The problem dates back to the early 1990s when the EPA decided it wanted to regulate fine particulate matter known as PM2.5 but couldn't find any hard scientific evidence proving it was harmful.

Steve Milloy takes up the story in the Wall Street Journal:

PM2.5 was not known to cause death, but by 1994 EPA-supported scientists had developed two lines of research purporting to show that it did. When the studies were run past the EPA's Clean Air Science Advisory Committee, it balked. It believed the studies relied on dubious statistical analysis and asked for the underlying data. The EPA ignored the request.

As the EPA prepared to issue its proposal for PM2.5 regulation in 1996, Congress stepped in. Rep. Thomas Bliley, chairman of the House Commerce Committee, sent a sharply written letter to Administrator Carol Browner asking for the data underlying studies. Ms. Browner delegated the response to a subordinate, who told Mr. Bliley the EPA saw "no useful purpose" in obtaining the data. Congress responded by inserting a provision in a 1998 bill requiring that data used to support federal regulation must be made available to the public via the Freedom of Information Act. But it was hastily written, and a federal appellate court held the law unenforceable in 2003.

The controversy went dormant until 2011, when a newly Republican Congress took exception to the Obama EPA's antioil rules, which relied on the same PM2.5 studies. Again the EPA was defiant. Administrator Gina McCarthy refused requests for the data sets and defied a congressional subpoena.

The EPA has form here. Its first administrator, William Ruckelshaus banned the use of DDT in the U.S. despite copious evidence that it was not harmful to human life. A seven month EPA hearing, presided over by Judge Edmund Sweeney, concluded in a 9,000 page document:

"DDT is not a carcinogenic hazard to man...DDT is not a mutagenic or teratogenic hazard to man...The use of DDT under the regulations involved here do not have a deleterious effect on freshwater fish, estuarine organisms, wild birds or other wildlife."

Ruckelshaus simply ignored it because it did not suit the result he wanted.

Needless to say, the environmentalists are furious that the EPA now has to stick to science rather than political activism.

The New York Times has billed it as "an attack on science" – as if, somehow, scientific experiments conducted in secret for political ends are somehow more representative of "science" than experiments which are both open and independently reproducible.

Milloy, who has followed this scandal more closely than any journalist, has had great fun parsing the more absurd claims made by the NYT.

His comments on the article (in bold) can be found at his Junk Science website:

Under the proposed policy, the agency would no longer consider scientific research unless the underlying raw data can be made public for other scientists and industry groups to examine. As a result, regulators crafting future rules would quite likely find themselves restricted from using some of the most consequential environmental research of recent decades, such as studies linking air pollution to premature deaths or work that measures human exposure to pesticides and other chemicals. [If you read my book “Scare Pollution,” you cannot escape reaching the conclusion that the “studies linking air pollution to premature death” are not science, but fraud. After all, what reputable scientist would hide their data from public scrutiny for 20+ years? Only frauds do that. The NYTimes has elevated this fraud to the status of “research” when it has never been fairly reviewed or replicated.]

Opponents and supporters agree that the proposed new policy has its roots in the fossil fuel industry’s opposition to a groundbreaking 1993 Harvard University study that definitively linked polluted air to premature deaths. [“Definitively”? Really? Total ignorance on the part of the NYTimes or just, gotta keep that narrative going.] The “Six Cities” study, widely considered one of the most influential public health examinations ever conducted, tracked thousands of people for nearly two decades and ultimately formed the backbone of federal air pollution regulations. [The Six City Study is and always has been total fraud. That’s why the Harvard researchers been hiding their data for 24 years. It has two types of defenders — the ignorant and the lying.]

In that study, which began in the mid-1970s, scientists signed confidentiality agreements so they could track the private medical and occupational histories of more than 22,000 individuals in six cities around the country. They combined that personal data with home air-quality data in order to study the link between chronic exposure to air pollution and mortality. [Half of this study population were smokers or former smokers and virtually all were exposed to secondhand smoke. The exposure to PM2.5 from tobacco smoke far outweighs (by orders of magnitude) and PM2.5 in the outdoor air. Once again, no one cares about their personal information.]

Never mind the leftist #fakenews spin, though. For the moment — possibly for the first time since the organization was founded by Richard Nixon — genuine, reproducible science reigns at the EPA.

On energy and the environment, thanks to able administrators like Scott Pruitt, President Trump is most definitely #winning.

The New York Times

<https://www.nytimes.com/2018/03/29/climate/epa-cale-auto-pollution-rollback.html>

E.P.A. Prepares to Roll Back Rules Requiring Cars to Be Cleaner and More Efficient

By Coral Davenport and Hiroko Tabuchi, 3/29/18

The Trump administration is expected to launch an effort in coming days to weaken greenhouse gas emissions and fuel economy standards for automobiles, handing a victory to car manufacturers and giving them ammunition to potentially roll back industry standards worldwide.

The move — which undercuts one of President Barack Obama’s signature efforts to fight climate change — would also propel the Trump administration toward a courtroom clash with California, which has vowed to stick with the stricter rules even if Washington rolls back federal standards. That fight could

end up creating one set of rules for cars sold in California and the 12 states that follow its lead, and weaker rules for the rest of the states, in effect splitting the nation into two markets.

Scott Pruitt, the head of the Environmental Protection Agency, is expected to frame the initiative as eliminating a regulatory burden on automakers that will result in more affordable trucks, vans and sport utility vehicles for buyers, according to people familiar with the plan.

An E.P.A. spokeswoman confirmed that Mr. Pruitt had sent a draft of the 16-page plan to the White House for approval.

The particulars of the plan are still being worked out. Those specifics, which are expected this year, could substantially roll back the Obama-era standards, according to two people familiar with the deliberations.

"This is certainly a big deal," said Robert Stavins, director of the Harvard environmental economics program. "The result will be more gas-guzzling vehicles on the road, greater total gasoline consumption, and a significant increase in carbon dioxide emissions."

According to two people familiar with the E.P.A.'s plans, Mr. Pruitt was scheduled to formally announce his proposal on Tuesday at an auto dealership in the Virginia suburbs, but the schedule remained in flux.

Major automakers would welcome the change. They are prepared to participate in making new rules that meet "our customers' needs for affordable, safe, clean and fuel-efficient transportation," said Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers, which represents many of the world's largest automakers.

In California, state lawyers said they were expecting a fight. The state has a special waiver under the 1970 Clean Air Act empowering it to enforce stronger air pollution standards than those set by the federal government, a holdover from California's history of setting its own air pollution regulations before the federal rules came into force. "We're prepared to do everything we need to defend the process," said Xavier Becerra, the attorney general of California, in an interview.

The California waiver gives the state considerable power to require automakers to stick to stricter standards. Not only is California a huge car market itself, but 12 other states including New York, Massachusetts and Pennsylvania have historically followed its lead. Together they represent more than a third of the domestic auto market.

"We're going to defend first and foremost existing federal greenhouse gas standards," Mr. Becerra said. "We're defending them because they're good for the entire nation. No one should think it's easy to undo something that's been not just good for the country, but good for the planet."

Mr. Pruitt has signaled that he is ready to take on such a challenge. "California is not the arbiter of these issues," he said in an interview with Bloomberg TV this month.

Under the Obama administration, the federal government toughened tailpipe pollution standards to match California's. Mr. Pruitt said the state standards "shouldn't and can't dictate to the rest of the country what these levels are going to be."

The E.P.A.'s senior clean air adviser, William Wehrum, this week traveled to California and met with the state's top clean air official, Mary Nichols. Both sides declined to detail what was discussed.

On Wednesday, a coalition of free-market groups including the Competitive Enterprise Institute urged Mr. Pruitt to take California on. "It is time for the E.P.A. to act," the groups said. If the agency did not act quickly, the groups said, "people across the state of California will be facing unrealistic and costly mandates which threaten their basic right to choose."

President Trump has also spoken about rolling back the efficiency rules, known as Corporate Average Fuel Economy, or CAFE. "I'm sure you've all heard the big news that we're going to work on the CAFE standards so you can make cars in America again," Mr. Trump said at a Detroit auto research facility in March last year. "We want to be the car capital of the world again. We will be, and it won't be long."

The rules, aimed at cutting tailpipe emissions of carbon dioxide, a major contributor to global warming, were one of the two pillars of Mr. Obama's climate change legacy. Put forth in 2012, they would have required automakers to nearly double the average fuel economy of new cars and trucks to 54.5 miles per gallon by 2025.

If fully implemented, the rules would have cut oil consumption by about 12 billion barrels and reduced carbon dioxide pollution by about six billion tons over the lifetime of all the cars affected by the regulations, according to E.P.A. projections.

The rules also would have put the United States, historically a laggard in fuel economy regulations, at the forefront worldwide in the manufacture of electric and highly fuel efficient vehicles. The United States and Canada are the only major nations that have adopted mandatory emissions standards through 2025. The European Union has only recently proposed standards for 2025 and 2030, while China has only started to work on standards for those years.

Less restrictive regulations in the United States could provide an opening for automakers to push for more lenient standards elsewhere as well, leading to the emission of more pollution by cars around the world. While sales of electric vehicles are starting to take off, they still represent barely 1 percent of global car sales. A shift among car buyers toward larger cars and trucks is already impeding progress in fuel economy.

"The concern is that automakers will go around the world basically trying to lobby regulators, saying, look, because the United States has reduced the pace, everywhere else should too," said Anup Bandivadekar, a researcher at the International Council on Clean Transportation, a think tank that focuses on clean car technology and policy. Global carmakers "apply developments in one region to lobby for changes in other regions."

American automakers initially accepted the plan by Mr. Obama in 2009 to harmonize what was then a hodgepodge of pollution and efficiency standards set by the E.P.A., the National Highway Traffic Safety Administration and California. And the automakers weren't in much of a position to resist; they had just taken an \$80 billion bailout to survive a global economic crisis.

The plan would have spurred automakers to speed their development of highly fuel-efficient vehicles including hybrid and electric cars. But within weeks of Mr. Trump's inauguration last year, the chief executives of the nation's Big Three auto companies met with him in the Oval Office to say that the Obama tailpipe standard was too difficult to achieve.

Mr. Trump directed the E.P.A. under Mr. Pruitt to craft a new, less strict set of standards. The announcement expected on Tuesday would represent the first legal step in the process.

While Mr. Pruitt's proposal to open up the Obama rules to review isn't expected to include specific targets, "The proposed rollback is going to be quite a significant number," said Myron Ebell, who led Mr. Trump's E.P.A. transition team and directs the energy and environment policy at the Competitive Enterprise Institute, a Washington research organization that questions the established science of human-caused climate change. "It will be more than a couple m.p.g.," he said.

If the legal fight between California and the Trump administration escalates, one possibility is that the federal government might try to revoke the waiver allowing California to set its own rules. Some presidents, including George W. Bush, have considered revoking the waiver, but none have tried.

The announcement by Mr. Pruitt was not expected to include a decision on challenging the waiver.

Mr. Ebell suggested that one possible legal tactic for the Trump administration could be to announce that it will refuse to renew the current waiver on tailpipe emissions, which expires in 2025, rather than to revoke it outright. That would likely delay a court fight until California moves to set standards that go beyond 2025.

But such a move would also likely formalize, at least for the time being, two different sets of rules in the United States — the federal emissions rules, and California's stricter ones — a logistical headache for the industry.

While California and its ally states have long followed separate smog standards, those have been easier for automakers to meet because a car can be brought into compliance by adding a catalytic converter, for example. Designing for separate mileage standards is more difficult, because fuel economy is dependent on a car's weight and design.

A divided market could require substantially different car designs, experts say, putting the American auto industry into uncharted territory. It remains unclear how the issue might be resolved. One possibility is that two very different auto markets emerge, one with cleaner cars generally along the coasts, and another with more polluting cars concentrated in Middle America. On the other hand, automakers might also opt to generally adhere to the stricter California standards nationwide, blunting the impact of any Trump administration rollback of federal rules.

The automakers had hoped to avoid these complex scenarios by using their clout with the Trump administration to force California to go along with a relaxation of federal regulations. But "if they thought this would end by California rolling over and giving up its more stringent standards," said Kevin Poloncarz, a San Francisco lawyer who focuses on air and climate change law, "that was a miscalculation."

As a result, the automakers' victory might come with unexpected headaches for them, said Jody Freeman, a Harvard law professor and former counsel to the Obama administration.

For instance, if the rest of the world moves toward stricter rules anyway, the American market could find itself an industry laggard, ceding leadership in clean vehicle technology to markets like China or the

European Union. "I don't really know if the auto industry wants what this administration might be doing," she said. "It might be like the dog that caught the car."

North Jersey

<https://www.northjersey.com/story/news/environment/2018/03/28/epa-begins-monitoring-air-residential-areas-fumes-wafting-edgewater-superfund-site/458747002/>

EPA begins monitoring air in residential areas for fumes wafting from Edgewater Superfund site By Scott Fallon, 3/29/18

Environmental regulators have begun monitoring the air at residential developments near the Quanta Superfund site to see if elevated levels of a potentially dangerous chemical are wafting from cleanup work on the property that residents have been complaining about for months, officials said Wednesday.

The news came as more than 100 people packed a public meeting at Borough Hall where U.S. Environmental Protection Agency officials detailed steps they are taking to control fumes from the site, including elevated levels of naphthalene.

Agency officials said they would suppress the fumes with foam, air misters along the fence, plastic sheeting and other methods. EPA officials maintained that the naphthalene levels are not a public health risk although many in the audience remained skeptical.

"You have to take responsibility," Jane Hoffman, who lives adjacent to the site, said at the meeting to EPA officials. "There are people who have spent their life savings to buy a home here."

Residents have been complaining about the fumes for months, saying they are unrelenting even when work at the site has been halted. As a result, the EPA has established a new 24-hour hotline that residents can call if they smell odors from the site: 201-807-0991.

The site is undergoing a controversial \$78 million cleanup by Honeywell and supervised by EPA where workers have to dig up contaminated soil to pump in cement that will keep coal tar, arsenic and oil byproducts from migrating offsite. Many residents had wanted the pollution excavated at the Hudson River site not entombed in perpetuity under a proposed housing complex.

Elevated levels of naphthalene have been emanating from the site almost every work day since May, according to air monitoring data provided by Honeywell.

Naphthalene continued to exceed the site's risk screening level of 4.62 micrograms per cubic meter in March with a high in recent weeks of 120 micrograms per cubic meter on March 19, which is 26 times the screening level.

EPA has begun taken air samples at three residential developments near the Quanta site – City Place, iPark and Independence Harbor. Two samples taken this month – one at City Place and another at iPark – had naphthalene levels slightly above 4.62 micrograms per cubic meter. The rest were either below the level or no naphthalene was detected. Samples taken last year did not exceed any risk levels, EPA officials said.

Naphthalene is “reasonably anticipated” to be a human carcinogen by the U.S. Department of Health and Human Services because studies showed that lab rats formed lung and nose tumors when breathing in the chemical daily. The EPA and the World Health Organization classify naphthalene as a possible human carcinogen.

EPA has said even the highest levels of naphthalene recorded at Quanta – 1,000 micrograms per cubic meter on Sept. 15 – do not present a health risk.

The screening level is based on the assumption that an individual is located at the perimeter of the Quanta site for 10 hours per day, five days per week, for 1½ years, regulators said.

“It’s meant to be very conservative,” Lora Smith, an EPA human health risk assessor, said of the 4.62 level. She said the Occupational Health and Safety Administration’s exposure limit for workers is 50,000 micrograms per cubic meter and that is why workers do not wear respirators on site.

“Exceedances are not unexpected and they do not indicate there is an imminent public health threat,” she said.

But residents have argued that condos, apartments, restaurants, stores and a hotel surround the Quanta site allowing prolonged exposure to the fumes in close proximity. Work at the site was temporarily halted following an article in The Record detailing the site’s problems.

Dana Prigge, who lives near the site, said the fumes from Quanta can be noxious. She said she was overcome one day last month while walking near River Road.

“My eyes were burning, my nose was burning, my lungs were pulling in,” she said in an interview before the meeting. “I knew there were chemicals in the air because I never react this way.”

The fumes have become so bad that Prigge plans to move out of Edgewater when her lease is up in a few months.

“If I could move out tomorrow, I would,” she said.

Bloomberg

<https://www.bloomberg.com/news/articles/2018-03-30/epa-chief-s-50-a-night-rental-said-to-raise-white-house-angst>

EPA Chief’s \$50-a-Night Rental Raises White House Angst

By Jennifer Dlouhy and Jennifer Jacobs

Environmental Protection Agency Administrator Scott Pruitt’s lease at a Washington apartment owned by a lobbyist friend allowed him to pay \$50 a night for a single bedroom -- but only on the nights when he actually slept there.

White House officials are growing dismayed about the questions surrounding Pruitt’s living arrangement, including his initial inability to produce any documentation about his lease or his actual

payments, according to three officials. The landlord provided EPA officials with a copy of the lease and proof of the payments Pruitt made.

The questions follow criticism of Pruitt for traveling first class on airline flights.

In all, Pruitt paid \$6,100 to use the room for roughly six months, according to copies of the checks reviewed by Bloomberg. Those checks show varying amounts paid on sporadic dates -- not a traditional monthly "rent payment" of the same amount each month.

That was because of the unusual rent schedule -- not a single monthly amount, but a daily amount charged only for days used for a single bedroom in the two-bedroom unit just blocks from the Capitol. The owner is a health care lobbyist, Vicki Hart. Her husband J. Steven Hart, is also a lobbyist and his firm represents clients in industries regulated by the EPA.

One person familiar with the lease compared it to an Airbnb-style arrangement, but Pruitt wasn't a transient and instead made the apartment his home on nights he was in Washington. The lease -- reviewed by Bloomberg -- says that he was charged \$50 a night "based on days of actual occupancy."

Six Canceled Checks

Bloomberg reviewed six canceled checks paid by Pruitt totaling \$6,100 from March 18 through Sept 1, 2017. He paid \$450 on March 18, \$900 on April 26, \$850 on May 15, \$700 on June 4, \$1,500 on July 22 and \$1,700 on Sept 1.

Justina Fugh, who has been ethics counsel at the EPA for a dozen years, said the arrangement wasn't an ethics issue because Pruitt paid rent. An aide said the agency had not reviewed the arrangement in advance.

The payments covered Pruitt's room in the two-bedroom unit, but did not afford him liberal use of common areas, where the owners had dinner parties and other functions, according to a person familiar with the situation. Someone else rented the other bedroom. According to the lease agreement, Pruitt's bedroom could not be locked.

After ABC News reported the living arrangement on Thursday, EPA aides had to seek documentation from the building's owners to prove he had paid rent, raising concerns at the White House, said two of the people, who asked not to be named discussing a sensitive matter involving a Cabinet secretary. Pruitt was in Wyoming on Thursday.

Related: Bumped? EPA Chief Signals He Will Be Flying Coach After Backlash

The disclosure follows revelations about Pruitt's reliance on first-class flights to travel around the globe and a series of pricey trips, including a visit by Pruitt and agency staff to Italy that cost \$120,249. EPA officials have defended Pruitt's use of first-class flights on security grounds, but after a series of reports, he shifted to coach.

J. Steven Hart is the chairman of Williams & Jensen, a firm with a stable of energy industry clients including Oklahoma Gas & Electric Co., which paid the firm \$400,000 in 2017, according to data compiled from the Environmental Integrity Project from disclosure forms.

Pruitt, the former attorney general of Oklahoma, has been an enthusiastic crusader against Obama-era regulations meant to combat climate change and limit air pollution. When Pruitt was in Oklahoma, he sued the EPA more than a dozen times.

Hart's individual lobbying clients include liquefied natural gas exporter Cheniere Energy Inc., the American Automotive Policy Council and Smithfield Foods Inc. But the Department of Energy -- not the EPA -- plays the major federal role overseeing LNG exports, and it is not clear Hart had direct contact with the EPA on behalf of any of his lobbying clients in 2017, according to a Bloomberg News review of disclosures.

"At the very least, it doesn't look good for the administrator of EPA to have rented an apartment from the wife of an energy industry lobbyist who represents companies regulated by EPA," said Eric Schaeffer, director of the Environmental Integrity Project.

Schaeffer called on EPA's inspector general and Congress to investigate.

Fugh, the EPA's ethics counsel, said no gift was involved. It was a routine business arrangement between Pruitt and an individual, not a lobbying firm, she added.

"He paid a fair price for what amounts to just a room," Fugh said. "So I don't even think that the fact that the house is owned by a person whose job is to be a lobbyist causes us concern."

The Wall Street Journal

<https://www.wsj.com/articles/trump-dilemma-give-businesses-more-low-skilled-work-visas-or-not-1522407601>

Trump Dilemma: Give Businesses More Low-Skilled Work Visas or Not

By Laura Meckler, 3/30/18

Demand for low-skilled worker visas for the summer season starting Sunday is again far outstripping supply, with the Trump administration forced to choose between helping businesses seeking more visas or trying to save those jobs for American workers.

Some lawmakers tried and failed this month to secure an increase in the number of H-2B visas available for this summer as part of a large spending bill. One Senate proposal would have permanently raised the annual cap from 66,000 to 90,000, with no limits for certain jobs in areas affected by disasters. A House version would have increased the annual cap to 132,000.

The White House warned some lawmakers not to kick the decision to the Department of Homeland Security as they did in 2017, congressional aides said. "We did not want the discretion," an administration official said.

Nonetheless, DHS is now under pressure from the business community to provide more visas after the spending bill authorized the department's Secretary Kirstjen Nielsen to offer tens of thousands of extra visas if she sees fit.

A DHS spokeswoman, Katie Waldman, said no decision has been made. “We are currently looking at last year’s implementation of the H-2B plus-up to determine how best to proceed this fiscal year,” she said.

The H-2B visas, issued for low-skilled, seasonal foreign workers, are typically employed by landscaping companies, Alaskan fisheries, ski resorts and vacation spots, including some of President Donald Trump’s properties.

Backers say the program provides needed foreign workers, often in remote locations where Americans are scarce. They say the problem is particularly acute given the current unemployment rate of 4.1%, the lowest in a decade.

“We rebranded 8,000 vehicles and put ‘now hiring’ on everything we own. We cannot get enough workers,” said Todd Chambers, chief marketing officer for BrightView Landscapes, LLC, a large landscaping company that has used H-2B workers for more than a decade.

Opponents say businesses should try harder and raise wages if needed. “We should want the labor market to tighten and employers have to work overtime trying to entice American workers, especially those who’ve dropped out of the labor market,” said Mark Krikorian of the conservative Center for Immigration Studies.

Ultimately, Democratic leaders killed the proposals to increase the visas, congressional aides in both parties said. Democratic aides said that was partly because they weren’t willing to import more foreign workers at a time when Congress was failing to protect hundreds of thousands of young undocumented immigrants brought to the U.S. as children, known as Dreamers.

By statute, a total of 66,000 H-2B visas are available each year, divided evenly between winter and summer seasons. In past years, Congress has effectively raised the cap by exempting workers who are returning to jobs they had in previous seasons, but didn’t do so last year nor this year.

For this summer season, businesses filed requests for more than 81,000 workers with the Labor Department on Jan. 1, the first day possible, a record, and more since then. Many firms tried to file applications after midnight on New Year’s Eve to be near the front of the line.

This year, for the first time, DHS conducted a lottery among early applicants to pick winners, saying it was only fair given the crush of demand. Administration officials said that applications cleared by the Labor Department by mid-February were eligible. But several people who use the program said they were confused about why some petitions were included in the draw and others weren’t.

BrightView Landscapes filed 94 petitions requesting a total of 3,500 visas, but was awarded fewer than 500, compared with 1,600 last year, said Sarah Powenski, vice president and associate general counsel at the company.

Company officials say they are frustrated that the program has been caught up in the larger immigration debate. “This thing has become more of an immigration issue in people’s minds,” said Mr. Chambers. “It’s been attached to a third rail issue.”

Faced with the same situation last year, John Kelly, then DHS secretary and now White House chief of staff, fumed. He argued that if Congress wanted more visas, then lawmakers should have approved them.

Many lawmakers lobbied him to approve additional visas. His boss, President Donald Trump, ran for office promising to protect American workers against foreign competition, and White House officials pressured him against it, according to people familiar with the decision making.

Ultimately, Mr. Kelly allowed up to 15,000 additional visas for guest workers, though not until the summer was half over. He set a high bar for businesses that wanted to apply and described the approval as a “one-time” move.

Politico

<https://www.politico.com/story/2018/03/29/trumps-veterans-pick-agency-451219>

Trump’s VA pick blindsides staff, deepens agency disarray

By Lorraine Woellert, Eliana Johnson, and Connor O’Brien, 3/29/18

The timing of President Donald Trump’s announcement to name Rear Admiral Ronny Jackson to lead Veterans Affairs was a snap decision that surprised his own chief of staff and knocked the government's second-largest agency, already bedeviled by scandal, deeper into disarray.

White House chief of staff John Kelly had spoken with David Shulkin by phone Wednesday morning, reassuring the now-former VA secretary that he wouldn’t be fired by tweet that afternoon. Hours later, Kelly had to phone Shulkin again telling him plans had changed.

Trump declared Jackson’s nomination on Twitter at 5:31 p.m. The tweet was big news — not just to the public, but to some senior aides, according to one White House official.

The chaos — by now a typical part of the president’s management style — has for months upended Kelly’s attempts to ensure that an unorthodox White House adheres to traditional processes. But while White House aides are left unpacking the day’s events, the drama at the VA is just beginning.

Deputy Secretary Thomas Bowman, a Trump appointee who is the agency’s No. 2, is widely expected to leave soon, either by choice or by force. Kelly and other aides wanted Bowman gone before Shulkin left to avoid installing the deputy at the helm, even temporarily. Bowman had pushed back on broad privatization efforts, leading Trump to berate him in an Oval Office meeting for his lack of loyalty.

Trump got around the Bowman problem by naming Robert Wilkie, an undersecretary at the Department of Defense, to the temporary job. A Capitol Hill veteran and member of Trump’s transition team, Wilkie is a former senior adviser to Sen. Thom Tillis (R-N.C.), who supports expanding service members’ access to private doctors.

“He’s got a department that’s in turmoil. It’s in crisis. There’s warfare there,” said Anthony Principi, who led the agency under former President George W. Bush. “And you have an acting secretary who doesn’t know the VA.”

But if and when Bowman departs, Wilkie will be left with a shallow bench at an agency already paralyzed by political mistrust, some veterans' advocates say. The VA's health and benefit agencies — which administer tens of billions of dollars in health programs, pensions, survivor benefits and other forms of assistance to some 9 million service members — have been without Senate-confirmed officials since the Obama administration.

Veterans Affairs is the second-largest federal agency, behind only the Department of Defense, with 377,000 employees. And it has proven unwieldy even when led by highly decorated, experienced administrators such as Eric Shinseki, a retired four-star Army general who resigned during the Obama administration amid a scandal over lengthy wait times and faulty scheduling practices for medical appointments.

Shinseki was followed by Bob McDonald, an Army veteran and former Procter & Gamble CEO. Shulkin, McDonald's successor, was the first non-veteran to lead the VA.

As recently as two weeks ago, the Trump White House was still making overtures to potential candidates for the top job, according to a person with direct knowledge of the inquiries. Trump reportedly agonized over the decision, changing his mind several times, a senior administration official said.

"Instead of going through the paces to convince the best possible person to take this job, they're going with the person who's still on active duty in the Navy and can't say no to the commander in chief," said one Obama White House aide, who spoke highly of Jackson as a doctor and individual. "You could look at it as them giving up trying to find a competent commander or manager to fix the problems."

Shulkin had come under fire after a VA inspector general's report accused him of improperly accepting tickets to the Wimbledon tennis tournament and using his agency staff to arrange a sightseeing tour of Denmark and England. He repaid the VA for the trip. The longtime hospital administrator, who was engaged in open warfare with conservatives in the department intent on privatizing the VA, contended he was set up.

Veterans' groups remained loyal to Shulkin, whom they saw as their best line of defense of against privatization. During his campaign, Trump made promises that veterans would be allowed to seek medical treatment outside the VA's system, statements taken by some to mean a step toward handing the system to commercial companies to manage.

Jackson, while well-liked by both Republicans and Democrats, is a cipher on privatization and other policy issues. With no agency experience to speak of, veterans suspect he could be installed as a figurehead, leaving lower-level appointees to steer the agency toward privatization.

"He's a blank slate. Nobody knows really anything about his competency or capacity for this job," said Paul Rieckhoff, CEO of Iraq and Afghanistan Veterans of America. "We especially know that being a veteran doesn't qualify you to run the VA any more than being a soldier qualifies you to run the DoD."

Principi urged Jackson to move quickly on his own agenda.

“The new secretary, really, if he wants to accomplish anything, has to hit the deck running and has to bring in some very, very good people,” he said. “I hope and pray he’s a success. Because if he’s not, American veterans are going to be the losers.”